




THE STATE BAR OF CALIFORNIA

OFFICE OF PROFESSIONAL COMPETENCE,
PLANNING & DEVELOPMENT

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

TELEPHONE: (415) 538-2167

DATE: February 6, 2004
TO: Members of the Commission for the Revision of the Rules of Professional Conduct
FROM: Lauren McCurdy 
SUBJECT: Agenda for Your Meeting on Friday, February 20, 2004

Enclosed, please find the agenda materials for your February meeting to be held as follows:

Friday, February 20, 2004
(9:00 a.m. – 5:00 p.m.)

LA-State Bar Office
1149 South Hill Street, Room 723
Los Angeles, CA 90015

In addition, please find an invitation to the 8th Annual Statewide Ethics Symposium.

SUPPLEMENTAL MATERIALS: To expedite distribution of supplemental materials, the Chair requests that all such materials be sent directly from the codrafters via the e-list distribution group which includes all members, liaisons and interested persons.

ATTENDANCE: In order to ensure that there is a quorum and adequate participation, if you are unable to attend in-person, please contact staff to make arrangements by telephone. As always, notify staff if you are unable to attend a meeting under any circumstances.

Imm/
enclosures
cc: Marie Moffat



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TELEPHONE: (415) 538-2167

January 16, 2004

Subject: **Eighth Annual Statewide Ethics Symposium – April 24, 2004**

Dear Legal Ethics Afficionado:

By popular demand, we have moved the date for this year's Statewide Ethics Symposium forward from June to April to avoid vacation conflicts. Please save **Saturday, April 24, 2004** for this event, which will be held at the Practising Law Institute's first-rate conference facility in downtown San Francisco.

As you know, the Symposium provides advanced programs for attorneys in all practice areas interested in cutting-edge ethics issues. This year's theme is **"The Attorney-Client Relationship: A New Paradigm?"** Sessions will include:

- *Sarbanes-Oxley in the Real World: Practical Approaches for California Lawyers*
- *AB 1101's New Death or Serious Bodily Injury Exception to Confidentiality: Has Tarasoff Come to the Legal Profession?*
- *U.S. Department of Justice Policies on Eavesdropping, Charging Decisions and Waivers of Attorney-Client Privilege: Impairment or Necessary Redefinition of the Attorney-Client Relationship?*
- *An Update From, and Discussion With, the Commission for the Revision of the Rules of Professional Conduct*

The PLI center is close to many hotels and easy parking. PLI's close proximity to BART makes a day trip to San Francisco for the Symposium a breeze – the new BART link to the San Francisco Airport is up and running, and BART continues to have an easy connection to Oakland airport. Better yet, make a weekend of it and enjoy nearby attractions such as the Union Square shopping district, the San Francisco Museum of Modern Art, and the new Asian Art Museum.

We will send registration materials to you as the Symposium approaches. In the meantime, please plan to join us and feel free to call Lauren McCurdy at (415) 538-2107 with any questions you might have.

We hope to see you in San Francisco this April and wish to express our gratitude to PLI and the Bar Association of San Francisco for their contributions to the 2004 Symposium.

Very truly yours,

A handwritten signature in black ink, appearing to read "Sean M. SeLegue".

Sean M. SeLegue, Chair
Committee on Professional
Responsibility and Conduct

STATE BAR OF CALIFORNIA
COMMISSION FOR THE REVISION OF THE RULES
OF PROFESSIONAL CONDUCT

OPEN SESSION AGENDA

Friday, February 20, 2004
(9:00 am - 4:55 pm)

LA-State Bar Office
1149 So. Hill Street, Room 723
Los Angeles, CA 90015

[NOTE RE MEETING SITE: For members of the public, the open session of this meeting also can be accessed by video-conference from the State Bar Office in San Francisco at 180 Howard Street, Room 8-B. Members of the public who wish to attend this meeting at either site are asked to call Audrey Hollins at 415-538-2167.]

I. APPROVAL OF OPEN SESSION ACTION SUMMARIES FROM THE OCTOBER 24 & 25 AND DECEMBER 12, 2003 MEETINGS

(Draft action summary for the October 24th & 25th meeting and interim action summary for the December 12th meeting previously distributed with January 22nd assignment mailing.)

II. REMARKS OF CHAIR

A. Chair's Report

(The Chair will provide an oral report on administrative, procedural, or other informational matters.)

B. Staff's Report

(Staff will report on the activities of COPRAC and the Board of Governors.)

III. **MATTERS FOR ACTION** (Name with asterisk is lead drafter, underline indicates a newly added co-drafter.)

*George,
Julien,
Ruvolo

- A. **Consideration of Rule 1-400. Advertising and Solicitation**
[anticipated 1-1/2 hour discussion]
(Materials enclosed.) **[pages 1 – 12]**

*Peck,
Martinez,
Melchior,
Mohr

- B. **Consideration of a “Practice of Law” Definition**
[anticipated 1-hour discussion]
(Materials enclosed.) **[pages 13 – 80]**

[Note: The discussion of items C. and D. is specially set for 10:30 am to accommodate attendance by interested parties.]

*Ruvolo

- C. **Consideration of Rule 1-710**
[anticipated 1/2-hour discussion]
(Materials enclosed.) **[pages 81 – 98]**

*Ruvolo

- D. **Proposal for New Rule Requiring Members to Advise Clients re ADR**
[anticipated 1-hour discussion]
(Materials enclosed.) **[pages 99 – 230]**

*Tuft
Betzner,
Martinez,
Peck

- E. **Consideration of Rules: 1-300 (Unauthorized Practice of Law); 1-310 (Forming a Partnership With a Non-Lawyer); 1-320 (Financial Arrangements With Non-Lawyers); and 1-600 (Legal Service Programs)** [anticipated 1-1/2 hour discussion]
(Materials to be circulated prior to meeting.)

*Melchior,
Foy,
Lamport,
Voogd,
Mohr

- F. Consideration of Rule 3-600. Organization as Client**
[anticipated 1-hour discussion]
(Materials enclosed.) **[pages 231 – 274]**

*Foy,
Sapiro

- G. Consideration of Rule 1-500. Agreements Restricting a Member's Practice**
[anticipated 1/2-hour discussion]
(Materials enclosed.) **[pages 275 – 286]**

*Voogd,
Peck

- H. Consideration of Proposed New Rule re "Recording Time"**
[anticipated 1/2-hour discussion]
(Materials enclosed.) **[pages 287 – 316]**